

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

NATIONAL LABOR RELATIONS BOARD,	:	
	:	
Applicant,	:	
	:	
v.	:	No. 1:23-mc-51 (VEC)
	:	
CHARLES THOMAS SCHMIDT;	:	
PARTY SHUTTLE TOURS, LLC;	:	
CITY INFO EXPERTS, LLC;	:	
UNIVERSAL SMART CONTRACTS, LLC;	:	
	:	
Respondents.	:	

**AFFIDAVIT IN SUPPORT OF MOTION OF THE NATIONAL LABOR RELATIONS
BOARD TO LIQUIDATE ATTORNEYS' FEES AND COSTS**

I, David P. Boehm, under penalty of perjury, state as follows:

1. I am a Trial Attorney in the Contempt, Compliance, and Special Litigation Branch (CCSLB) of the National Labor Relations Board (NLRB).
2. CCSLB is located at the agency's headquarters in Washington, D.C. One of the responsibilities of attorneys in CCSLB is to investigate and pursue compliance with court enforced Board orders that issue across the country. As part of this process, Regional Offices send their cases to us to manage and litigate post-judgment as necessary. I have been actively engaged in investigating the NLRB matter underlying the instant subpoenas, NLRB Case No. 02-CA-073340, since at least August 2022.
3. I have served as counsel representing the NLRB in the above-captioned case at all times since the service of the subpoenas at issue.

4. I have been a practicing attorney since August 8, 2016. Accordingly, at all relevant times, I have had between 6 and 8 years of practice experience.

5. I expended 17.4 hours in connection with the litigation of the NLRB's Application for an Order Requiring Obedience with Administrative Subpoenas *Duces Tecum*. This is a conservative figure of time, as I have excluded time that reasonably would be considered excessive, redundant, or otherwise unnecessary.

6. The following is a detailed log of work hours I expended during the litigation:

Date	Hours	Description
2/2/23	2.5	Draft, review and edit Application
2/28/23	1.0	Review, prepare and file Application
2/28/23	.2	Prepare and file motion for admission pro hac vice
3/8/23	1.0	Correct and re-file application
3/10/23	.1	Email order to show cause to Schmidt
3/15/23	.1	Email re-filed application to Schmidt
3/17/23	.2	Prepare and file certificate of service
3/25/23	.6	Research case law regarding minimum contacts/venue
4/6/23	2.8	Edit opposition to motion to dismiss
4/7/23	2.1	Revise and file opposition to motion to dismiss
5/17/23	1.1	Prepare draft of letter to court
7/19/23	.2	File letter to court.
8/7/23	.6	Retain process server and send documents for service.
8/8/23	.4	Call and email Schmidt regarding accepting service.
8/9/23	.8	Email correspondence with process server regarding attempts to serve and preparing affidavit of nonservice.
8/9/23	1.3	Prepare and file motion for reconsideration discussing evasion of service.
8/10/23	.3	Email correspondence with process server regarding nail and mail.
8/22/23	.2	Email correspondence with process server regarding return of service.
8/23/23	.3	Prepare and file proof of service.
9/11/23	1.3	Prepare and send Schmidt draft joint status report and file.
12/15/23	.3	Prepare and file joint status report.

7. The hours incurred prior to August 8, 2023 total 12.5. Based on the *Fitzpatrick* Matrix (see Exhibit 2), the 2023 hourly rate for an attorney with 6 years of experience is \$568.

Using this figure, fees for this subpoena enforcement proceeding prior to August 8, 2023 total \$7,100.00.

8. The hours incurred after August 8, 2023 total 4.9. Again, based on the *Fitzpatrick* Matrix, the 2023 hourly rate for an attorney with 7 years of experience is \$584. Using this figure, fees for this subpoena enforcement proceeding after August 8, 2023 total \$2,861.60.

1. The total amount owed in connection with my work on the NLRB's Application is \$9,961.60.

EXECUTED at Washington, D.C. this 31st day of January 2024.

/s/ David P. Boehm

DAVID P. BOEHM

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